## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of				)	MAIL STOP PATENT APPLICATION		
Isabelle	NONO	TTE et al.	)	) )	Group Art Unit:		
Application No.:			)	) )	Examiner:		
Filed:	Septem	ber 22, 2003	)	) )	Confirmation No.:		
For:	TREAT	ANESE COMPOSITION TING SKIN VASCULAI COMBATING SKIN PAN	R TISSUE )	) ) )	Continuation of Appln. No. 09/859,392, filed May 18, 2001		
			ON DISCLO		JRE STATEMENT LETTER		
P.O. B	ox 1450	for Patents A 22313-1450					
Sir:							
above-i		ed is an Information Disc I patent application.	closure Staten	ner	nt and accompanying form PTO-1449 for the		
	[X]	No additional fee for su	bmission of a	an I	IDS is required.		
	[ ]	The fee of \$180.00 (180	06) as set fort	th i	n 37 C.F.R. § 1.17(p) is also enclosed.		
	[]	A statement under 37 C	.F.R. § 1.97	(e)	is also enclosed.		
	[]	A statement under 37 C in 37 C.F.R. § 1.17(p)			, and the fee of \$180.00 (1806) as set forth d.		
	[]	Charge \$	to Deposit A	cco	ount No. 02-4800 for the fee due.		
	[]	A check in the amount of	of \$		is enclosed for the fee due.		
1.17 an Accoun	d 1.21 t	rector is hereby authorize hat may be required by to 2-4800. This paper is su	his paper, an	ıd t	y appropriate fees under 37 C.F.R. §§ 1.16, o credit any overpayment, to Deposit cate.		
			Respectfully	su	bmitted,		
			Burns, Doa	NE	, SWECKER & MATHIS, L.L.P.		
Date: 5	Septemb	er 22, 2003	Mary <b>K</b>	ath	where Enuneister  on No. 26,254		
	ox 1404	rainia 22212 1404					

Alexandria, Virginia 22313-1404 (703) 836-6620

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	) MAIL STOP PATENT APPLICATION
Isabelle NONOTTE et al.	) Group Art Unit:
Application No.:	) Examiner:
Filed: September 22, 2003	) Confirmation No.:
For: MANGANESE COMPOSITIONS FOR TREATING SKIN VASCULAR TISSUE AND COMBATING SKIN PALLOR	) Continuation of Appln. No. 09/859,392, filed May 18, 2001

## FIRST INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In compliance with the requirements of 37 C.F.R. §§ 1.56, 197 and 1.98, applicants are filing herewith a Form PTO-1449 listing documents for the consideration of the Examiner. Also enclosed is a copy of a Search Report issued for applicants' French priority application.

All of the listed documents were previously made of record by applicants or by the Examiner in prior Appln. No. 09/859,392, filed May 18, 2001, upon which applicants rely under 35 U.S.C. § 120. In accord with 37 C.F.R. § 1.98, copies of these documents are not required to be filed herein.

The Examiner's attention is directed to copending application number 09/859,384, naming Isabelle Nonotte and Lionel Breton as inventor(s) and filed on May 18, 2001, and the documents cited therein. As the copending application was also made of record in parent Appln. No. 09/859,392 and a copy provided therein, a further copy is not provided.

In accordance with M.P.E.P. § 609(c)(2) (August 2001, page 600-131), the Office is requested to return a copy of this Information Disclosure Statement with the Examiner's initials adjacent to this paragraph indicating that this copending application has been considered. By citation to the copending application, confidentiality is not waived and the Office is requested to maintain the confidentiality of the copending application under 35 U.S.C. § 122.

The documents listed on the accompanying Form PTO-1449 are in English except for EP 0770392, WO 99/62481, FR 2791260 and FR 2612775. Consideration of these Frenchlanguage documents is requested. Applicants are providing the following statements of relevance for these non-English language documents:

<u>EP 0770392</u> was accompanied by a full English translation thereof when submitted in parent Appln. No. 09/859,392; a further copy of the translation is therefore not required. This document relates to the use of a lanthanide, tin, manganese or yttrium salt as a substance P antagonist. EP 0770392 is cited in the French Search Report, in particular its claims, as a category "A"/general state-of-the-art reference. Applicants do not believe this reference is detrimental to patentability herein.

WO 99/62481 includes an English-language abstract. A separate English abstract/patent family search was also appended to the copy of this document provided in parent Appln. No. 09/859,392 and need not be submitted again. Applicants do not have an English translation of WO 99/62481; however, a copy of its U.S. counterpart, Bonte et al U.S. Patent No. 6,471,972 B1, was also provided in the parent. These documents relate to fighting skin aging effects by using an agent to promote adherence of basal layer keratinocytes to the dermal-epidermal junction. The agent is a divalent metal salt or complex, particularly of magnesium. No specific disclosure of use of a manganese salt for any purpose has been noted, and the reference is not considered detrimental to patentability herein.

FR 2791260 was accompanied by two English-language abstracts and a copy of the cover of the corresponding WIPO publication of the PCT counterpart, WO 00/57836, which also includes an English-language abstract, when filed in parent Appln. No. 09/859,392; copies are not required to be filed again. Applicants do not have an available English translation and have been unable to locate an English-language counterpart. Cosmetic and pharmaceutical compositions are described in which the active agents are  $\alpha$ -hydroxy acids or  $\alpha$ -keto acids or salts or esters or manganese chloride to improve fixation of hyaluronic acid and/or collagen, especially collagen I or collagen IV and/or fibronectin on the surface of skin cells and improve hydration of the dermis and epidermis and prevent or treat skin-aging phenomena and inflammatory phenomena. This is not believed to be detrimental to patentability herein.

FR 2612775 was accompanied by an English-language abstract when filed in Appln. No. 09/859,392; a further copy is not required herein. Applicants do not have an available English translation and have been unable to locate an English-language counterpart of this document. This

Information Disclosure Statement Application No. Attorney's Docket No. <u>016800-643</u> Page 3

reference is directed to the use of ascorbic acid for improving the effect of a combination of vitamin A with "physiologically acceptable compounds" such as sulfur, manganese and magnesium on keratinization and sebum production. In all of the examples, the compositions comprise ascorbic acid and a mixture of vegetal abstracts, and sometimes yeast. Bilberry extract is always present in the compositions, which may also comprise soya, artichoke, apricot, spinach and so forth. There is no disclosure of use of a manganese salt <u>per se</u>. The reference is not believed to be relevant to patentability herein.

This Information Disclosure Statement is being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since this is being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

It is requested that the Examiner consider the documents cited by applicants and return an initialed copy of the accompanying Form PTO-1449 to the undersigned with the next official communication.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 22, 2003

Mary Katherine Baumeister

Registration No. 26,254

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Substitute for forms 1449A/PTO & 1449B/PTO		SHEET T OF T
Substitute for forms 1449A/PIO & 1449B/PIO	ATTORNEY'S DKT No.	APPLICATION NO.
<b>]</b> .	016800-643	
		(Continuation of 09/859,392)
	APPLICANT	
FIRST INFORMATION DISCLOSURE	Isabelle NONOTTE et al.	
STATEMENT BY APPLICANT	FILING DATE	GROUP
	September 22, 2003	

			U.S. PATENT DOCUMENTS			
Examiner Initials	Document Kind Code Number (if known)		Name of Patentee or of Cited Docun	Applicant	Issue/Publication Date (MM-DD-YYYY)	
	5,804,594		Murad		09-08-1	
	5,900,257		Breton et al		05-05-1999	
	5,895,642		Sanders et al	04-20-1999		
	6,471,972	B1	Bonte et al		10-29-2	
	5,925,348		Riley et al		07-20-1	
	5.496,827		Patrick		03-05-1	
Examiner Initials	Document Number	FO Kind Code (if known)	REIGN PATENT DOCUMENTS	Date of Publication		slation
milalo	0424033	A	Country	(MM-DD-YYYY) 04-24-1991	Yes	No
·	96/19182	A	WO	06-27-1996		├—
	0770392	A	EP EP	05-02-1997	X	├
	99/62481	A	WO	12-09-1999	$\frac{1}{X^1}$	—
	2791260		FR	09-29-2000	X 2	├—
	2612775		FR	09-29-2000	X 2	-
	1		TENT LITERATURE DOCUME			
Examiner Initials	item (boo	k, magazine, jour	(in CAPITAL LETTERS), title of the artic nal, serial, symposium, catalog, etc.), da publisher, city and/or country where pu	te, page(s), volume-issue num iblished.	iber(s),	
	Patent Abstracts of	lapan, volume 19	97, no. 10, October 31, 1997, abstract of JP 403017004A published January 25,	JP 09157128 published June	17, 1997.	
	atent Abstracts of t	apan, abstract or	3F 403017004A published January 25,	1991.		
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Examiner	Da	ate	
Signature	I I	onsidered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 $<sup>^{\</sup>rm 1}$  English abstract; see also English-language counterpart, Bonte et al U.S. Patent No. 6,471,972 B1.  $^{\rm 2}$  English abstract only.